

Important Privacy Notice

Federal Rule of Civil Procedure 5.2 prohibits litigants in a non-habeas proceeding from submitting documents that contain personal information. Unless the Court orders otherwise, personal identifying information in Court filings must be limited as follows:

- Social security numbers, taxpayer-identification numbers, and financial **account numbers must include only the last four digits** (e.g., xxx-xx-1234)
- Birth dates must **include the year of birth only** (e.g., xx/xx/2000)
- Names of persons under the age of 18 must be indicated by **initials only** (e.g., A.B.)

You are responsible for protecting the privacy of this information in your filings. If your documents, including attachments, contain any information that does not comply with this rule, please black out that information before sending your documents to the Court.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**HOW TO PROCEED WITH AN EMPLOYMENT DISCRIMINATION OR
REHABILITATION ACT LAWSUIT**

INSTRUCTIONS FOR A PERSON WITHOUT AN ATTORNEY

This packet contains forms to permit you to file the following:

- Form 1. Civil Complaint
- Form 2. Description of Lawsuit for Court Assignment
- Form 3. Application to Proceed In Forma Pauperis (for people unable to pay the filing fee)
- Form 4. Request for Appointment of Attorney

GENERAL INSTRUCTIONS

FORM 1 – CIVIL COMPLAINT

You should fill out and file Form 1 – Civil Complaint. When filling out the complaint, you should remember the following:

- 1) You are the plaintiff. The defendant(s) is the employer(s) being sued. If you are filing against a government agency or department, use the title of the head of that agency or department – such as Postmaster General, Secretary of the Navy, Secretary of Welfare of Pennsylvania, etc.
- 2) Your complaint must be legibly printed by hand or typewritten.
- 3) You must personally sign your complaint and declare under penalty of perjury that the facts you allege are correct.
- 4) You must attach to the complaint a copy of your Notice of Right to Sue Letter from the Equal Employment Opportunity Commission. The complaint must be filed within the time specified in your Notice of Right to Sue Letter.

FORM 2 – DESCRIPTION OF LAWSUIT FOR COURT ASSIGNMENT

When you file your complaint, you must also complete and file an original and one copy of Form 2 – Description of Lawsuit for Court Assignment.

FORM 3 – MOTION TO PROCEED IN FORMA PAUPERIS ("IFP")

In order for the complaint to be filed, it must be accompanied by the filing fee of \$350 plus a \$52.00 Administrative Fee. If you are unable to pay the filing fee, you must file Form 3 – Motion to Proceed In Form Pauperis with the complaint. On Form 3, you must provide an explanation for why you are unable to pay the filing fee. For example: "I am unemployed and have no money except unemployment compensation." Or: "I earn \$_____ a week and must support a family of _____."

The judge assigned to your case will decide whether to grant you permission to file your case in forma pauperis. If the judge grants you permission to proceed in forma pauperis, then the U.S. Marshal's Office will serve copies of your complaint on the defendant(s). Therefore, you must give the correct name and address of each defendant.

If the judge does not grant permission to proceed in forma pauperis, then you must pay the \$350 filing fee. You then must arrange to serve the complaint on the defendant(s). The U.S. Marshal's Office will **not** automatically serve the complaint for you if you are not granted in forma pauperis status.

FORM 4 – REQUEST FOR APPOINTMENT OF ATTORNEY

If you desire to have an attorney and believe you are entitled to have one appointed, you should file Form 4 – Request for Appointment of Attorney. Attorneys are selected from the Plaintiff's Employment Panel, as outlined in the enclosed Program Description. Please read this enclosure carefully.

You may obtain a copy of your investigative file. Federal employees may do so from the federal agency involved by calling that agency. Other employees can obtain a copy from the Equal Employment Opportunity Commission (EEOC) by writing to:

Fredricka Warren
Christine Spriggs
EEOC, Information Specialists
801 Market Street, Suite 1300
Philadelphia, PA 19107

When you have completed your forms, bring them or mail them to:

Clerk of Court
United States District Court
601 Market Street, Room 2609
Philadelphia, PA 19106-1797

If you have any questions, you may call the Clerk's Office at (215) 597-7704 and ask for the Pro Se Writ Clerk.

NOTE: You should keep a copy of the forms that you file for your records.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

REC'D NOV 7

Caption:

Michael Williams

Full name(s) of Plaintiff(s)

COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION

v.

City of Philadelphia
Office of Fleet Management

Full name(s) of Defendant(s)

CIVIL ACTION
NO. _____

This action is brought for discrimination in employment pursuant to (check only those that apply):

_____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

_____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.

_____ Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

_____ Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age,

sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

NOTE: In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Michael Williams
 Street Address: 1445 N. 10th Street
 County, City: Philadelphia
 State & Zip: Pennsylvania 19122
 Telephone Number: 215-888-7515

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: Office of Fleet Management
 Street Address: 100 S. Broad St 3rd floor
 County, City: Phila.
 State & Zip: Pg. 19110
 Telephone Number: 215-686-1825

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: City of Phila.
 Street Address: _____
 County, City: _____
 State & Zip: _____
 Telephone Number: _____

II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (check only those that apply to your case):

- ☒ Failure to hire me
☒ Termination of my employment
☒ Failure to promote me

- ☐ Failure to reasonably accommodate my disability
☐ Failure to reasonably accommodate my religion
☒ Failure to stop harassment
☒ Unequal terms and conditions of my employment
☒ Retaliation
☒ Other (specify): Lying and threatening my witness's

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) 10, (day) 30, (year) 2014.

C. I believe that the defendant(s) (check one):

- ☒ is still committing these acts against me.
☐ is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

- ☒ race _____ color _____
☐ religion _____ gender/sex _____
☐ national origin _____
☐ age My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

I was referred to as a nigger by a white coworker
I reported this incident on five different occasions.
The first four complaints, nothing was reported or
written down or said to the white male by the Person's
I reported this to Including District Manager John D.
John laughed and said he will take care of it never
did. In between me reporting this incident I was
harassed by this white male, mentally Physically and verbal.

NOTE: *As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.*

III. Exhaustion of Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: _____ (Date).

B. The Equal Employment Opportunity Commission (*check one*):

_____ has not issued a Notice of Right to Sue Letter.

☒ issued a Notice of Right to Sue Letter, which I received on 8-15-22 (Date).

NOTE: *Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

C. *Only plaintiffs alleging age discrimination must answer this question.*

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

_____ 60 days or more have passed.

_____ fewer than 60 days have passed.

D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: _____ (Date).

E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (*check one*):

_____ One year or more has passed.

_____ Less than one year has passed.

IV. Relief

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as (*check only those that apply*):

- ☒ Direct the defendant to hire the plaintiff.
- ☒ Direct the defendant to re-employ the plaintiff.
- ☒ Direct the defendant to promote the plaintiff.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- ☐ Direct the defendant to (*specify*): give back all vac. & sick days
- ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- ☒ Other (*specify*): Treat employee's equal

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 11 day of 11, 2022

Signature of Plaintiff
Address

[Signature]
1445 N. 10th Street
Apt. 108
Phila. Pa. 19122
MKewms22@gmail.com
215-888-7515

Telephone number

Fax number (*if you have one*)

After reporting this incident to John again, he did nothing to stop the continued harassment, intimidation or racial insults. Never tried to resolve or correct the issues. As a result another incident occurred. This time I reported it to the relief team leader, explained and showed him what was going on again. As a team leader relief he didn't know how to handle this incident, so I took pictures and called downtown to human resources. Spoke to Marcy Miller after telling her my problem and what was continually going on she stated she will come pass the shop. She arrived about an hour later with safety officer Dyesha Tyler and deputy commissioner Joe L Rosati. They immediately went to the supervisor office and called in the relief team leader and closed the door without me present, and had a conversation for about forty five minutes, after which Joe left. I was then called into the office, I was then told without question or answer that I was being transferred. I asked why and what am I being transferred for and stated that I feel like I am being punished. She laughed like it was funny or a joke and stated how come I got mad that I was called the N word and that the white male was just playing with me, then looked at Dyesha and asked her did she say it right, Dyesha never responded and had a sad look on her face at this time. Marcia informed me that I can return to the shop at this time. I was allowed to continue to be around this white male who I reported these incidents about. This white male started harassing me and calling me names of all sort including snitch, rat and so on. I returned to the office again to report this incident and was again told by Marcia just ignore him, so again I went back into the shop after this white male continued to follow me around the shop and verbally assault me, an argument ensued. I returned to the office again to report this incident and was told I was gone be sent home for the rest of the day to defuse this situation and avoid any further problems. I was walked from my office to my car by Marcia and relief team leader. I drove off and left for the day. I was contacted the next morning by my supervisor and told to stay home and that I will be paid, he further stated that an investigation was going on. I was later contacted and told I had to report to an hearing for hollering and cursing in the shop. I was never given an opportunity at my hearing to explain I was talking loud and telling this white male to stop harassing me and leave me alone. This was a total disrespect to my dignity and humanity and insult to my integrity. No way shape form or fashion did they show any care towards me at this hearing, I was suspended for one day for defending my character. I guess in they eyes I cant stand my ground or report a problem without being punished or laughed at. I asked Marcia is the city of Phila. An equal opportunity employer and she ignored me.

After returning to work at a different shop I was instantly treated different than any one in this shop. My job turned from mechanic to custodian and car washer. My duties included cleaning the shop, clean up after mechanics and wash cars around back. A few mechanics complained and also told me that I was being punished and that I should call and report the supervisor for treating me like this. The parts supervisor got into an argument with the shop supervisor concerning me and the way I was treated. I called Marcia approx. 7 times and she finally called back two weeks later. I was called to intake for a phone call this is not the supervisor office. Upon answering the call I stated I have ongoing problems here and stated I dont wanna talk about them right now, she immediately said why because Steve is standing there I said yes and she said put Steve back on the phone. I immediately said to my self how do she know Steve was there listening to our conversation, I soon realized and was told they was very cordial with each other and had each other back. I notified the union and told them what was happening.

The union member came to the shop the next day. The union went to the office to discuss my issues, after the office visit the union told me if i have any more problems to let them know. Exactly a week later the union came to me and told me I was wrote up a week ago (this is the same day the union came to talk to the supervisor about my problems). I was clearly retaliated on for reporting a problem again. The office of fleet management had a hearing with out me present or my knowledge and found me guilty. I was brought a LCA to sign and was threatened by ofm if i dont sign it i would be fired. The very next day i contacted the EEOC and soon went in to file a complaint. Since filling the complaint i was retaliated on harassed and threatened numerous times and occasions to be fired for five straight years until i was fired for a made up allegation that i wasnt able to defend my self or have witnesses or the truth to be told it was also a video of the whole incident that i called and asked for a copy of the video numerous times and was never given an answer. Two black males were there from beginning to end, one of them was threatened if he told the truth. So three white males were aloud to testify and lie on me including human resources.

One of the black males called the union and told them the truth of what happened before my hearing. john told the union if he use what the black male stated that he will be fired.

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____

Address of Defendant: _____

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|---|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ Must sign here _____
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a \checkmark in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☐ 6. Labor-Management Relations
☐ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify): _____
☐ 7. Products Liability
☐ 8. Products Liability - Asbestos
☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: _____ Sign here if applicable _____
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.